

THE HONORABLE ROBERT S. LASNIK
Trial Date: September 10, 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EVAN CARNAHAN,

Plaintiff.

No. 2:17-cv-00086 RSL

vs.

ALPHA EPSILON PI FRATERNITY, INC.
and DAVID LEON,

Defendants.

On August 10, 2018, at 1 p.m., the parties, by and through their counsel, held a conference call to meet and confer about motions in limine to be filed on this case. After discussing those motions, the parties stipulate to the following:

1. The parties stipulate that no new expert opinions will be offered at trial. Testifying experts will limit their opinions to the opinions contained in their expert disclosures and their expert reports. Undisclosed opinions may not be introduced at trial. FRCP 37(c)(1).

2. The parties stipulate that evidence of the parties' pecuniary status will not be introduced or admitted. The parties recognize that either party's respective wealth

**STIPULATION ON MOTIONS IN LIMINE
(Cause No. 2:17-cv-00086 RSL) – 1**
js/JS1588.055/3051342x



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1 or lack of wealth is not relevant to the case and not proper evidence for the jury to
2 consider when deciding this case.

3 3. The parties stipulate to the exclusion of any “golden rule” testimony or argument.
4 The parties agree that “golden rule” arguments, which ask the jurors to put
5 themselves in the shoes of one of the parties, are not proper in this case.
6

7 4. The parties stipulate to the exclusionary rule that no non-party witness may sit in
8 the court room until after they testify at trial.
9

10 5. The parties stipulate to the exclusion of any evidence or argument referring to any
11 motions or positions taken in motions in this case.
12

13 6. The parties stipulate to the exclusion of any evidence or argument referring to past
14 settlement discussions, offers, arguments and claims made during settlement
15 negotiations, and positions taken during settlement negotiations and discussions.
16

17 7. The parties agree to provide each other with at least one court days’ notice of
18 witnesses who will be called to testify at trial.
19

20 8. The parties agree that plaintiff’s medical providers may not offer expert opinions
21 outside the scope of the treatment they provided unless they have been disclosed as
22 experts and have provided a written report. Medical providers not disclosed as
23 experts will be limited to percipient testimony.
24

25 9. The parties agree that no evidence of either party’s insurance will be introduced or
26 admitted at trial.

1 DATED: October 31, 2018
2

3 *s/ Mark Choate*
4

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25 **ORDER**
26

27 Based on the above stipulation by counsel, the Court hereby orders as follows:

28 1. No new expert opinions will be offered at trial. Testifying experts will limit their
29 opinions to the opinions contained in their expert disclosures and their expert
30 reports. Undisclosed opinions may not be introduced at trial. FRCP 37(c)(1).

31 2. Evidence of the parties' pecuniary status will not be introduced or admitted.

32 3. Neither party will offer testimony or argument invoking or referring to the "golden
33 rule" in any way.

34 4. Any non-party witnesses shall abide by the exclusionary rule.

35 STIPULATION ON MOTIONS IN LIMINE
36 (Cause No. 2:17-cv-00086 RSL) – 3
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- 1 5. Neither party will introduce evidence or argument referring to any motions or
- 2 positions the parties took in motions in this case.
- 3 6. Neither party will introduce evidence or argument referring to past settlement
- 4 discussions, offers, arguments and claims made during settlement negotiations,
- 5 and positions taken during settlement negotiations and discussions.
- 6 7. The parties will provide each other with at least one court days' notice of
- 8 witnesses who will be called to testify at trial.
- 9 8. Plaintiff's medical providers may not offer expert opinions outside the scope of the
- 10 treatment they provided unless they have been disclosed as experts and have
- 11 provided a written report. Medical providers not disclosed as experts will be
- 12 limited to percipient testimony.
- 13 9. The parties agree that no evidence of either party's insurance will be introduced or
- 14 admitted at trial.

16 IT IS SO ORDERED.

17 DATED: 6⁺ day of Nov., 2018.

20 
21 Honorable Robert S. Lasnik
22 U.S. District Court Judge

1 Presented by:

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s/ Mark Choate

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STIPULATION ON MOTIONS IN LIMINE
(Cause No. 2:17-cv-00086 RSL) – 5
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